

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00091

Stephen Darden,

Plaintiff,

v.

Cerliano Maxey et al.,

Defendants.

O R D E R

Plaintiff Stephen Darden, a former inmate confined within the Gregg County Jail proceeding pro se and *in forma pauperis*, filed this civil-rights case pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell.

On January 17, 2024, the magistrate judge issued a report (Doc. 29), recommending that defendants' motion for summary judgment (Doc. 26) be granted and that this lawsuit be dismissed with prejudice until the *Heck* conditions are met. *See Heck v. Humphrey*, 512 U.S. 477 (1994).

A copy of this report was sent to plaintiff at his last-known address via certified mail. A review of the tracking information reveals that the mail is being "returned to sender" as "unclaimed."¹ The parties have not filed objections to the report, and the time for doing so has elapsed.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

¹ A pro se litigant is responsible for keeping the clerk advised of his current address. Local Civil Rule 11(d).

Defendants' motion for summary judgment (Doc. 26) is granted. Plaintiff's lawsuit is dismissed with prejudice until the *Heck* conditions are met. All other motions are denied as moot.

So ordered by the court on March 8, 2024.



J. CAMPBELL BARKER
United States District Judge